

REMARKS

This responds to the Office Action dated March 3, 2008.

Claims 1, 10, 14, and 20 are amended, claims 8-9 and 17 having been previously canceled. Claims 21-23 are added. Claims 1-7, 10-16, and 18-23 are now pending in this application.

§103 Rejection of the Claims

Claims 1-7, 10, 12, 14-16, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul (U.S. Patent No. 5,697,958) in view of Mass et al. (U.S. Patent No. 6,675,045) or Mass et al. (U.S. Patent No. 7,313,441). Claims 1-7, 10, 12, 14-16, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul. The rejections are traversed and reconsideration is respectfully requested.

The rejections under section 103 of claims 1-7, 10, 12, 14-16, 18 and 19 based upon the two Mass et. al references are believed to have been overcome by the statement of common ownership set forth below. Applicant asserts that the two Mass et. al references are not prior art for purposes of section 103.

Regarding the rejections under section 103 of claims 1-7, 10, 12, 14-16, 18 and 19 based upon the Paul reference alone, Applicant takes issue with the assertions that the limitations recited by those claims and not disclosed in Paul are obvious matters of design choice. In particular, a transformer for connecting the antenna to the transmitting/receiving circuitry may be used to electrically isolate the transmitting/receiving circuitry from the device housing. Independent claims 1 and 14 have been amended herein to recite a device and method in which a transformer connects the antenna and the transmitting/receiving circuitry. As discussed in the specification, this is advantageous in certain medical devices such as pacemakers and defibrillators where the housing or can is utilized as an electrode in delivering pacing or defibrillation pulses. In that situation, the housing/electrode may be a source of interference the transmitting/receiving circuitry, and Applicant can find no awareness of this problem in the prior art of record. The isolating transformer may also be configured as a balun transformer. Applicant believes that the use of a transformer and/or balun transformer in the claimed context

is neither taught nor suggested in the prior art of record. Applicant respectfully requests withdrawal of the rejections of claims 1-7, 10, 12, 14-16, 18 and 19.

Allowable Subject Matter

Claims 11, 13 and 20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing remarks, Applicant respectfully requests withdrawal of the objections. In addition, the limitations recited by claim 13 have been incorporated into new independent claim 21 and claims 22-23 depending therefrom.

Statement of Common Ownership

Applicant declares that, at the time the present invention was made, the present application and U.S. Patent Nos. 6,675,045 and 7,313,441 were owned by the same entity. Since these patents could only otherwise qualify as prior art to the present application under 35 U.S.C. 102(e), they are disqualified as prior art for purposes of section 103(a) under 35 U.S.C. 103(c).

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date June 3, 2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of June 2008.

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